

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT WHARTON,

Petitioner,

v.

DONALD T. VAUGHN,

Respondent.

CIVIL ACTION

No. 2:01-cv-06049-MSG

CAPITAL CASE

[PROPOSED] ORDER

Upon consideration of Respondents' Motion to Adjourn Hearing, it is hereby

ORDERED that the hearing scheduled for June 23, 2022 (ECF 296) is **ADJOURNED** pending disposition of Respondents' Motion Directed to the Chief Judge of the Eastern District of Pennsylvania to Transfer the Investigation of Possible Professional Conduct Violations Pursuant to Local Civil Rule 83.6(V)(A) or, in the Alternative, to Certify Pursuant to 28 U.S.C. § 1292(b), by the Chief Judge of the Eastern District and any appeals to the U.S. Court of Appeals for the Third Circuit arising from the Chief Judge's disposition.

BY THE COURT:

Dated: June ____ , 2022

Mitchell S. Goldberg
United States District Judge

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MOTION TO ADJOURN HEARING

Respondents the Office of District Attorney (“DAO”), and Paul George, Assistant Supervisor, Law Division, Nancy Winkelman, Supervisor, Law Division, and Max Kaufman, former Supervisor of the Federal Litigation Unit (collectively, “Respondents”) respectfully file this motion to adjourn the hearing scheduled for June 23, 2022 (ECF 296) and stay proceedings. Respondents request a stay to allow the Chief Judge to consider Respondents’ Expedited Motion to the Chief Judge of the Eastern District of Pennsylvania to Transfer the Investigation of Possible Professional Conduct Violations or, in the Alternative, to Certify Pursuant to 28 U.S.C. § 1292(b).

Respondents state as follows:

1. On June 21, 2022, the Court held a teleconference on the record. During that conference, Respondents requested the relief sought in their June 17, 2022 Motion to Cancel the Scheduled Evidentiary Hearing and Dismiss All Allegations of Sanctionable Conduct or, in the Alternative, to Transfer the Investigation of Possible Professional Conduct Violations to The Chief Judge of the Eastern District (ECF 300, “June 17 Motion”).

2. Specifically, Respondents requested that the Court transfer this matter to the Chief Judge pursuant to Local Civil Rule 83.6(V)(A) and cancel the hearing

scheduled for June 23, 2022. Respondents also stated that if the Court were not to do so, they would file a motion with the Chief Judge to obtain relief.

3. Later that day, the District Judge's law clerk advised Respondents' counsel that the District Judge intended to proceed with an Order to Show cause Hearing on June 23, 2022. The law clerk further advised that an Order would be entered later on the evening of June 21 or more likely on the morning of June 22.

4. Respondents have filed an Expedited Motion Directed to the Chief Judge of the Eastern District of Pennsylvania to Transfer the Investigation of Possible Professional Conduct Violations Pursuant to Local Civil Rule 83.6(V)(A) or, in the Alternative, to Certify Pursuant to 28 U.S.C. § 1292(b).

5. Respondents respectfully renew their request that this Court adjourn the June 23, 2022 hearing pending resolution of the issues presented in their Expedited Motion by the Chief Judge and, if necessary, by the Court of Appeals.

WHEREFORE, for the foregoing reasons, Respondents request that this Motion be granted and an Order be entered in the form attached hereto.

Dated: June 21, 2022

KAIRYS, RUDOFSKY, MESSING,
FEINBERG & LIN

By: /s/ David Rudovsky

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Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

By: /s/ John S. Summers

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Counsel for the District Attorney's Office

CERTIFICATE OF SERVICE

I, John S. Summers, hereby certify that on June 21, 2022, I caused the foregoing Motion to Adjourn Hearing to be served on the following counsel of record via ECF:

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Cari Mahler
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General
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/s/ John S. Summers

John S. Summers

Counsel for the District Attorney's Office